out, the Provinces exercised a certain indirect control over the appointment of their personnel). For instance, if a federal minister considered that the interests of the State had been injured by an erroneous decree of a provincial authority, he could bring the matter before the Administrative Court. No such provision, however, was made for appeals by provincial ministers against State decrees.[1]

Finally, the following provisions may be noted, which though not themselves of great importance, none the less indicate the general tendency to ignore the federal principle. By Article 41, (2), for instance, voters in three different Provinces could join in submitting an Initiative, provided that in each Province half of the qualified voters agreed to it. This was to be an alternative to an Initiative signed by two hundred thousand of the qualified voters in one Province, and was inter led to safeguard the rights of minorities in the smaller Provinces. It was clearly, however, an infringement of the federal principle.[2]

Finally, the formula used in the publication of laws is "The National Council has decided . . .", etc. (If the law is passed

[1] Article 129, (2). This may be compared with Article 140, (1), regulating appeals to the Constitutional Court. In this case the right of appeal is guaranteed both to the State and to the Provinces.

It may be noted that in the important sphere of finance, the control of the State was to be even further extended, by the Finance Constitutional Law of 3 March 1922 (B. G. Bl. Nr. 124). If a proposed provincial law dealing with financial matters was vetoed by the Federal Government, its re-passage by the Province concerned, with a special majority, did not settle the matter. 'In diesem Falle kann nämlich die Bundesregierung den Einspruch trotz des Wiederholungsbeschlusses aufrechterhalten. Der dadurch entstandene Konflikt zwischen Bundesregierung u. Landesgesetzgebung wird durch einen ständigen gemeinsamen Ausschuss des Nationalrates u. des Bundesrates entschieden. Dieser hat nämlich zu beschliessen, ob der Einspruch aufrecht zu bleiben hat, oder nicht. Entscheidet sich der Ausschuss für den Einspruch der Bundesregierung, erhält deren Veto einen absoluten Charakter.' (Kelsen, *Jahrbuch des öffentlichen Rechts*, vol. xi, p. 258.)

[2] This article may be compared with Article 15, (3). In this case, the Provinces must co-operate in the passage of supplementary legislation under Articles 11 and 12. If they fail to do so, the right to pass such legislation is transferred to the federal minister. These two articles might seem to conflict with Article 107. But Article 107 is probably intended to prevent a combination of Provinces hostile to the central Government (cf. with Imperial Decree of 1860). Co-operation between the Provinces was not, on the whole, encouraged. By Article 107, for instance, Provincial Councils were forbidden to communicate with one another, except in matters falling within their autonomous sphere of action.

642 635 671 as the result of a Referendum this is noted.) No mention is made of the co-operation of the Federal Council. Laws are dated in the Federal Law Book from the day of their third reading by the National Council.

(iii) *The National Council*

642 646 The Austrian State was reorganized by the constitution of 1920 as a democratic, federal, and parliamentary republic. The pivot of the whole political structure was the National Council.

The sovereignty of the National Council was ensured by the almost complete absence of provisions for its control either by the people who elected it, the Federal Council, the Government, or the President.

From the first of these possible controlling bodies the National Council was virtually divorced after it had been elected. It was specifically laid down in Article 56 that members should not be bound by instructions. The people could, it is true, introduce legislation directly, by the device of the Initiative. They were not, however, encouraged to do so; the numbers of supporters required for an Initiative motion was, as has been pointed out, comparatively high; nor was the National Council bound to pass such bills. Similarly, proposals involving a complete revision of the federal constitution had to be submitted to a Referendum. But no attempt was made to define what was meant by a 'complete revision'; and again, it was not stated that the National Council was bound by the result of such a Referendum. Other measures only had to be submitted to a Referendum if the National Council so decided.[1] The National Council could only be dissolved before the end of its four-year term of office by its own decree. If it was so dissolved, it had to be reassembled by its President, if a quarter of its members so requested.[2]

But, if the National Council was not controlled by its electors, still less was it controlled by the Federal Council. The Federal Council had, as has been pointed out, in a few

[1] Article 43. [2] Article 28.